

REMARKS

In light of the above amendments and remarks to follow, entry of this amendment and reconsideration and allowance of this application are respectfully requested.

Claims 1-75 are pending in this application.

The Examiner objected to claim 3 because it was not listed in the previous amendment. Claim 3 has been listed herein and withdrawal of the objection is respectfully requested.

Claims 1, 3-5, 9, 10, 11, 13-25, 30-33, 37-39, 55, 63-65 and 73-75 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-58 of co-pending Application No. 10/088,336.

Independent claim 1 recites in part as follows:

"... enabling the data recorder and player to record the main data to and reproduce the main data from the recording medium when the recording medium user identification data are coincident with the recorder and player user identification data a first number of times; and

enabling the data recorder and player to record and reproduce the main data to and from the recording medium when the recording medium user identification data are coincident with the recorder and player user identification data and when the user identification data server is connected to the data recorder and player, a second number of times which is greater than the first number of times." (Emphasis added.)

It is respectfully submitted that claims 1-58 of copending Application No. 10/088,336 do not appear to recite "enabling the data recorder and player to record the main data to and reproduce the main data from the recording medium ... a first number of

times" and "enabling the data recorder and player to record and reproduce the main data to and from the recording medium ... a second number of times which is greater than the first number of times" as in claim 1. (Emphasis added.)

Accordingly, withdrawal of the above double patenting rejection to claim 1 is respectfully requested.

For similar or somewhat similar reasons to those with regard to claim 1, withdrawal of the above double patenting rejection to independent claims, 11, 18, 33, 55, and 65 is respectfully requested.

Claims 3-5, 9, 10, 13-17, 19-25, 30-32, 37-39, 63, 64 and 73-75 depend from one of the independent claims, and, due to such dependency, withdrawal of the above double patenting rejection to claims 3-5, 9, 10, 13-17, 19-25, 30-32, 37-39, 63, 64 and 73-75 is respectfully requested.

Claims 1-75 were rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement because the meaning of the term "and/or" is not readily apparent.

Independent claim 1 has been amended herein. Such amended claim 1 is believed to be in compliance with the requirements of 35 U.S.C. 112, first paragraph. Accordingly, withdrawal of the above 112 rejection is respectfully requested.

Claims 1, 11, 18-24, and 33 were rejected under 35 U.S.C. 102(e) as being anticipated by Mott et al. USPN 6,170,060.

As previously mentioned, independent claim 1 comprises the steps of "enabling the data recorder and player to record the main data to and reproduce the main data from the recording medium ... a first number of times" and "enabling the data recorder and player to record and reproduce the main data to and from the recording medium ...

a second number of times which is greater than the first number of times."

In explaining the rejection, the Examiner appears to rely on Mott, and, in particular, col. 11, line 25 to col. 14, line 54 and col. 19, lines 24-30 thereof. It is respectfully submitted that the portions of Mott applied by the Examiner (hereinafter "Mott") do not teach the above recited features of claim 1. That is, Mott appears to merely teach utilizing the following:

"three authentication processes to protect the transfer of information from server 260 to client system 214 and playback device 212. First, a point-to-point authentication protocol is performed whereby the library server 260 must verify that the requesting client computer system 214 is an authorized client and the client computer system 214 must verify that the library server 260 is an authorized provider. Secondly, a targeting protocol is performed whereby the library server 260 utilizes a set of identifiers (i.e. player IDs) for mobile playback devices 212 authorized to receive the selected download data from library server 260. ... Thirdly, a library server digital signature is appended to the downloaded data for use by the mobile playback device 212 to verify that the downloaded data was originated by an authorized library server and to verify the integrity of the downloaded data." (See col. 11, lines 26-48 of Mott.)

As such, Mott appears to merely teach the use of three authentication processes. Such authentication processes of Mott do not appear to limit the number of times data is recorded and reproduced as specifically set forth in claim 1. More specifically, Mott does not appear to teach enabling the data recorder and player to record the main data to and reproduce the main data from the recording medium a first number of times when the

recording medium user identification data are coincident with the recorder and player user identification data, and enabling the data recorder and player to record and reproduce the main data to and from the recording medium a second number of times which is greater than the first number of times when the recording medium user identification data are coincident with the recorder and player user identification data and when the user identification data server is connected to the data recorder and player.

Accordingly, claim 1 is believed to be distinguishable from Mott.

For reasons similar to those previously described with regard to claim 1 it is also respectfully submitted that independent claims 11, 18 and 33 are distinguishable from Mott.

Claims 19-24 are dependent from independent claim 18. Accordingly, it is also respectfully submitted that dependent claims 19-24 are distinguishable from Mott as applied by the Examiner for at least the reasons previously described.

Claims 3-5, 13-15, and 37 were rejected under 35 U.S.C. 103(a) as being unpatentable over Mott in view of Boccon-Gibod et al. U.S. Patent Application Publication No. 200010016836 (hereinafter Boccon-Gibod).

Claims 3-5, 13-15, and 37 are dependent from one of independent claims 1, 11, and 33. Accordingly, it is also respectfully submitted that dependent claims 3, 13, and 17 are distinguishable from Mott as applied by the Examiner for at least the reasons previously described. The Examiner does not appear to have relied on Boccon-Gibod to overcome the above-described deficiency of Mott. Accordingly, dependent claims 3-5, 13-15, and 37 are believed to be distinguishable from the applied combination of Mott and Boccon-Gibod.

Claims 9, 10, 16, 17, 38, and 39 were rejected under 35 U.S.C. 103(a) as being unpatentable over Mott in view of Yamakawa et al. USPN 6,738,877 (hereinafter Yamakawa).

Claims 9, 10, 16, 17, 38, and 39 are dependent from one of independent claims 1, 11, and 33. Accordingly, it is also respectfully submitted that dependent claims 9, 10, 16, 17, 38, and 39 are distinguishable from Mott as applied by the Examiner for at least the reasons previously described. The Examiner does not appear to have relied on Yamakawa to overcome the above-described deficiency of Mott. Accordingly, dependent claims 9, 10, 16, 17, 38, and 39 are believed to be distinguishable from the applied combination of Mott and Yamakawa.

Claim 25 was rejected under 35 U.S.C. §103(a) as being unpatentable over Mott.

Claim 25 is dependent from independent claim 18. Accordingly, it is also respectfully submitted that dependent claim 25 is distinguishable from Mott as applied by the Examiner for at least the reasons previously described.

Claims 2, 6-8, 12, 26, 34-36, 40, 41, and 44-49 are rejected under 35 U.S.C. §103(a) as being unpatentable over Mott in view of Imamura USPN 6,453,369 (hereinafter "Imamura").

Claims 2, 6-8, 12, 26, 34-36, 40, 41, and 44-49 are dependent from one of independent claims 1, 11, and 33. Accordingly, it is also respectfully submitted that dependent claims 2, 6-8, 12, 26, 34-36, 40, 41, and 44-49 are distinguishable from Mott as applied by the Examiner for at least the reasons previously described. The Examiner does not appear to have relied on Imamura to overcome the above-described deficiency of Mott. Accordingly, dependent claims 2, 6-8, 12, 26, 34-36, 40, 41, and 44-49 are believed to be distinguishable

from the applied combination of Mott and Imamura.

Claims 27-29, 42, 43, 50, 51, 55-59, 65-69 and 73 were rejected under 35 U.S.C. 103(a) as being unpatentable over Mott in view of Imamura '369, and further in view of Boccon-Gibod.

Claims 27-29, 42, 43, 50, and 51 are dependent from one of claims 26 and 40. Accordingly, it is also respectfully submitted that dependent claims 27-29, 42, 43, 50, and 51 are distinguishable from the applied combination of Mott and Imamura for at least the reasons previously described. The Examiner does not appear to have relied on Boccon-Gibod to overcome the above-described deficiency of the Mott and Imamura combination. Accordingly, dependent claims 27-29, 42, 43, 50, and 51 are believed to be distinguishable from the applied combination of Imamura, Mott, and Boccon-Gibod.

For reasons similar to those previously described with regard to claim 1 it is also respectfully submitted that independent claims 55 and 65 are distinguishable from Mott. The Examiner does not appear to have relied on Imamura nor Boccon-Gibod to overcome the above-described deficiency of Mott. Accordingly, claims 55 and 65 are believed to be distinguishable from the applied combination of Mott, Imamura, and Boccon Gibod.

Claims 56-59, 66-69, and 73 are dependent from one of independent claims 55 and 65. Accordingly, it is also respectfully submitted that dependent claims 56-59, 66-69, and 73 are distinguishable from the applied combination of Mott, Imamura, and Boccon-Gibod for at least the reasons previously described.

Claims 30-32 were rejected under 35 U.S.C. 103(a) as being unpatentable over Mott in view of Yamakawa.

Claims 30-32 are dependent from independent claim 18. Accordingly, it is also respectfully submitted that dependent

claims 30-32 are distinguishable from Mott as applied by the Examiner for at least the reasons previously described. The Examiner does not appear to have relied on Yamakawa to overcome the above-described deficiency of Mott. Accordingly, dependent claims 30-32 are believed to be distinguishable from the applied combination of Mott and Yamakawa.

Claims 52-54, 63, 64, 74 and 75 were rejected under 35 U.S.C. 103(a) as being unpatentable over Mott in view of Imamura and Boccon-Gibod, and further in view of Yamakawa.

Claims 52-54, 63, 64, 74 and 75 are dependent from one of claims 50, 55, and 65. Accordingly, it is also respectfully submitted that dependent claims 52-54, 63, 64, 74 and 75 are distinguishable from the applied combination of Mott, Imamura, and Boccon-Gibod for at least the reasons previously described. The Examiner does not appear to have relied on Yamakawa to overcome the above-described deficiency of the Mott, Imamura, and Boccon-Gibod combination. Accordingly, dependent claims 52-54, 63, 64, 74 and 75 are believed to be distinguishable from the applied combination of Imamura, Mott, Boccon-Gibod, and Yamakawa.

Claims 60-62 and 70-72 were rejected under 35 U.S.C. 103(a) as being unpatentable over Mott in view of Imamura '369 and Boccon-Gibod, and further in view of Hioki et al. USPN 6,681,105 (hereinafter Hioki).

Claims 60-62 and 70-72 are dependent from claim 56. Accordingly, it is also respectfully submitted that dependent claims 60-62 and 70-72 are distinguishable from the applied combination of Mott, Imamura, and Boccon-Gibod for at least the reasons previously described. The Examiner does not appear to have relied on Hioki to overcome the above-described deficiency of the Mott, Imamura, and Boccon-Gibod combination.

Accordingly, dependent claims 60-62 and 70-72 are believed to be distinguishable from the applied combination of Imamura, Mott, Boccon-Gibod, and Hioki.


In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he/she telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

By 

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